

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RECOMMENDATION OF THE MAGISTRATE JUDGE

On June 23, 2009, the *pro se* plaintiff filed a complaint and motion for leave to proceed *in forma pauperis*. (Docs. # 1 & 2). On July 22, 2009, the court denied the plaintiff's motion to proceed *in forma pauperis* and directed him to pay the full filing fee on or before July 31, 2009. (Doc. # 6). On July 30, 2009, the plaintiff filed a response to this court's order denying his motion to proceed *in forma pauperis*, in which he requested that this court grant an extension to and including October 1, 2009, to forward a \$350.00 filing fee to the Clerk of Court. (Doc. #7.) On August 6, 2009, this court granted the plaintiff an extension to and including October 1, 2009, to submit the filing fee. (Doc. No. 8.) The plaintiff was specifically advised that his failure to pay the filing fee would result in a Recommendation that this case be dismissed. The plaintiff has not paid the \$350.00 filing fee. Consequently, based on the plaintiff's failure to comply with this court's order to pay the full filing fee, the court concludes that the plaintiff has abandoned his claims.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that the

plaintiff's complaint be dismissed. It is further

ORDERED that the parties shall file any objections to the said Recommendation on or before October 21, 2009. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which the party objects. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar the party from a de novo determination by the District Court of issues covered in the report and shall bar the party from attacking on appeal factual findings in the report accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981, *en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

Done this 8th day of October, 2009.

/s/Charles S. Coody
CHARLES S. COODY
UNITED STATES MAGISTRATE JUDGE